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Letter dated 31 January 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

On behalf of the Government of Canada, I am pleased to transmit herewith the third report of Canada to the Committee established pursuant to Security Council resolution 1540 (2004) on national implementation to date (see annex).

Canada maintains its unwavering commitment to international efforts to prevent the proliferation of weapons of mass destruction, including to non-State actors, and as such is deeply committed to the effective and timely implementation of resolution 1540 (2004).

Attached, please find Canada's report, which addresses in narrative form the three items outlined in your predecessor's letter of 17 October 2007. You will also find a technical rectification document containing detailed points addressing specific citations in the matrix that was provided by the Committee on the status of Canada's implementation of the resolution. Canada would be pleased to have the third report and the technical rectification posted on the Committee website for access by the public. Canada also welcomes the publication of its matrix on the Committee website after it has been updated accordingly.

Please note that the national point of contact for matters related to Canada's implementation of resolution 1540 (2004) is Michael Blackmore of the Department of Foreign Affairs and International Trade, who can be reached at 1-613-944-5389 or by e-mail at Michael.Blackmore@international.gc.ca. I invite the Committee to make Mr. Blackmore's contact information available on the website to accommodate queries from interested parties.

Canada recognizes the important role played by the Committee in coordinating country reports and facilitating donor assistance and applauds the constructive work being undertaken to promote implementation of resolution 1540 (2004).

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If there is any additional information required or clarification of any matter raised in the enclosures please do not hesitate to contact myself or Mr. Blackmore. We look forward to working with the Committee in the future, and wish the Committee success in the preparation of its upcoming report to the Security Council.

(*Signed*) Henri-Paul **Normandin**
Chargé d'affaires a.i.

Annex to the letter dated 31 January 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

Third report of Canada to the Committee established pursuant to resolution 1540 (2004)

Canada extends its thanks to the Security Council Committee established pursuant to resolution 1540 (2004) for its letter of 17 October 2007 and accompanying matrix, and is pleased to follow up with the third national report concerning Canada's implementation of the resolution.

The present report is divided into four sections. Section A addresses the blank cells or cells marked with a "?", as found in the matrix. Additional information pertaining to Canada's national legal frameworks and enforcement procedures relevant to resolution 1540 (2004) is included herein. Section B provides an update on Canadian measures relevant to implementation of the resolution that were not captured in the two earlier reports. Section C outlines future measures that Canada intends to take, relevant to implementation of the resolution. Section D addresses Canadian assistance to other States, relevant to implementation of the resolution.

Canada wishes to take this opportunity to express concern regarding omissions in the matrix provided by the Committee related to Canada, the content of which was derived from the first and second national reports submitted. In Canada's first and second national reports, relevant criminal provisions were described in some length. Some of the information — particularly pertaining to nuclear weapons — from these reports does not appear to be reflected in the most recent matrix, including some information regarding basic import and export control regulations. For example, in the section on operative paragraph 3 (a) and (b), accounting for, securing and physically protecting nuclear weapons and related materials (on pages 13-15 of the matrix), additional references should have been made throughout this part of the matrix to the nuclear security regulations; information has previously been provided in Canada's first report on page 10 and in the second report on pages 5 and 11-13. Canada calls the attention of the Committee to the technical rectification document (see enclosure), submitted in conjunction with the present report, which contains detailed points aimed at addressing these omissions.

Section A: addressing gaps found in the matrix

Operative paragraph 2 — Biological weapons

The Criminal Code is a principal part of Canada's national legal framework, and should therefore be included in the national legal framework column on page 3 of the matrix, corresponding to its inclusion in the enforcement column. The Biological and Toxin Weapons Convention Implementation Act (BTWCIA) (2004) is also a part of Canada's national legal framework: it received Royal Assent in 2004. Although it has yet to be enforced through regulations, many aspects of it are enforced through existing Criminal Code provisions.

Some additional legal frameworks should be cited here as well. The act of acquiring a pathogen in Canada falls under the Health of Animals Act, Plant

Protection Act and the regulations for Importation of Human Pathogens. Possession of a pathogen falls under the BTWCIA, and is enforced through the Criminal Code. Stockpiling, storage and development of a pathogen are also covered under the BTWCIA and are enforced through the Criminal Code. The legal framework for transporting pathogens is provided by the Transportation of Dangerous Goods Act (1992). For transferring pathogens, the relevant legal frameworks are the Transportation of Dangerous Goods Act, the BTWCIA, Importation of Human Pathogens regulations, the Plant Protection Act and the Health of Animals Act.

The Transportation of Dangerous Goods Act (1992) outlines safety standards, procedures and standards for the transport of dangerous goods. It contains reporting requirements for accidental release of dangerous goods and emergency response provisions, and outlines the punishment for offences under this act.

The Department of Health Act (1996) sets out the powers, duties and functions of the Minister which extend to all matters covering the promotion or preservation of the health of Canadians over which Parliament has jurisdiction, including the protection of the people of Canada against risks to health and the spreading of disease, and investigation and research into public health, including the monitoring of diseases.

In 1994 Health Canada introduced regulations to control the importation of human pathogens and to ensure proper laboratory handling and containment of these pathogens. Importation permits are issued by the Office of Laboratory Security, Biosafety Division after appropriate evaluation and approval of laboratory facilities.

In 1990 Canada established the Biological and Chemical Defence Review Committee, which is mandated to review annually the research, development and training activities in biological and chemical defence undertaken by the Department of National Defence to ensure that these activities are defensive in nature and conducted in a professional manner with no threat to public safety or the environment.

As a participant in the Australia Group, Canada has incorporated into its Export Controls List (Group 7) those biological agents, biological pathogens and biological test, inspection and production equipment agreed upon by that export control forum.

Operative paragraph 2 — Chemical weapons

In 1995 the Government of Canada enacted the Chemical Weapons Convention Implementation Act (CWCIA), which prohibits persons or entities to manufacture, produce, acquire, possess, stockpile, develop and use, directly or indirectly, chemical weapons. Relevant sections of the CWCIA as they pertain to resolution 1540 (2004) are detailed in Canada's second report to the Committee on pages 13 and 14 and are included in the matrix. The CWCIA is enforced through Canada's Criminal Code, the relevant sections of which are also already included in the matrix on pages 5 and 6.

Canada has incorporated into its Export Controls List chemicals and precursors controlled under the Chemical Weapons Convention.

Operative paragraph 2 — Nuclear weapons

Canada's national legal framework prohibiting the manufacture, production, acquisition, possession, stockpiling, storing, developing, transporting, transfer, and use of nuclear weapons is contained in the Nuclear Safety and Control Act (NSCA) which came into force on 31 May 2000. Canada's first report (2004) to the Committee on pages 2 and 3, and Canada's second report (2006) to the Committee on pages 5-7, detail the provisions in sections 26, 48, 50 and 51 of the NSCA, which prohibit activities related to nuclear weapons, as outlined in resolution 1540 (2004) and include penalties for violations.

Matrix rows 1-8 on page 7 should include sections 26, 48, 50 and 51 of the NSCA. For row 1 to 8 in particular, the Committee should refer to information provided in Canada's first report on pages 2 and 3 and 8, and in Canada's second report on pages 5-7, for further information on sections 50 and 51 of the NSCA, as well as other relevant sections (24, 26, 48) and regulations. Reference should be made in particular to section 50 of the NSCA, as this offence reinforces some of the important prohibitions called for in resolution 1540 (2004), in that it makes it an offence to possess a substance, equipment or information that is capable of being used to produce a nuclear weapon or nuclear explosive device. The penalty provision is subsection 51(2) of the NSCA.

Canada is unclear as to what is being asked in matrix entries 3, 7 and 8 as the relevant sections of the NSCA (including s.26) are addressed in the above-mentioned pages of Canada's earlier reports to the Committee.

In row 6 of the matrix, Packaging and Transport of Nuclear Substances Regulations should be included. The safe and secure transport of nuclear material within Canada is assured by implementation of the NSCA and the Regulations. The Regulations require the issuance of a transport licence to the shipper, which includes the review of the security plan which must be submitted prior to transport of such material. NSCA/Canadian Nuclear Safety Commission (CNSC) regulations can be included in row 13 as they include non-State actors. Row 14, referencing import, also requires inclusion of the Nuclear Non-proliferation Import and Export Control Regulations, as detailed in Canada's second report on pages 5 and 18.

Information about weapons of mass destruction proliferation financing pursuant to operative paragraph 2 of resolution 1540 (2004) can be found in section B of the present report.

Operative paragraph 3 (a) and (b) — Account for, secure and physically protect biological weapons, including related materials

The secure use and storage of imported pathogens is enforced under the Human Pathogens Importation Regulations (1994), and provisions surrounding the secure transport of pathogens are fully enforced under the Transportation of Dangerous Goods Act and its subsequent regulations.

Operative paragraph 3 (a) and (b) — Account for, secure and physically protect chemical weapons, including related materials

For inclusion in rows 4, 6 and 9, section 5 of the Transportation of Dangerous Goods Act (TDGA) (1992) provides conditions under which dangerous goods may be handled, including safety requirements, documentation, containment and

transport. The Act provides conditions for appropriate handling of dangerous goods, where "handling" is defined as "loading, unloading, packing or unpacking of dangerous goods ... or following transportation and includes storing them in the course of transportation".

Regarding the enforcement of the TDGA, the matrix should include in rows 4, 6 and 9, section 33, which provides that "Every person who contravenes or fails to comply with a provision of this Act is guilty of (a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars for a first offence, and not exceeding one hundred thousand dollars for each subsequent offence; or (b) an indictable offence and liable to imprisonment for a term not exceeding two years." Section 34 further outlines court orders which may "(a) [prohibit] the person for a period of not more than one year from engaging in any activity regulated under this Act; (b) [require] the person to provide compensation, whether monetary or otherwise, for any remedial action taken or damage suffered by another person arising out of the commission of the offence; (c) [require] the person to do anything that will assist in repairing any damage to the environment arising out of the commission of the offence; or (d) [require] the person to conduct programs of technical research and investigation into the development and improvement of safety marks, safety requirements and safety standards, or to pay an amount in the manner prescribed to be used to conduct the research".

For inclusion in row 7, the Chemical Weapons Convention Implementation Act stipulates restrictions on transferring chemical weapons, directly or indirectly to anyone, penalties for which include: on summary conviction, a fine not exceeding $5,000 or to imprisonment for a term not exceeding eighteen months, or to both; or on conviction on indictment, a fine not exceeding $500,000 or to imprisonment for a term not exceeding five years, or to both.

Operative paragraph 3 (a) and (b) — Account for, secure and physically protect nuclear weapons, including related materials

As a non-nuclear-weapon State, Canada does not possess nuclear weapons. With respect to accounting of nuclear materials, reference should be made to the Canadian Nuclear Safety Commission as the agency responsible for Canada's State System of Accountancy for and Control of Nuclear Material (as indicated in Canada's second report on pages 11 and 12). Moreover, as indicated earlier in the present report, reference should have been made throughout this part of the matrix to the National Security Regulations (NSRs) — information has previously been provided in the first report on page 10 and the second report on pages 5 and 11-13. It is also important to note that the NSRs have been updated (SOR/2006-191, in force 27 November 2006) since Canada's previous report to the Committee. Therefore, all previous references to the NSR throughout the matrix should be updated accordingly.

Matrix entries 3, 4, 8, 9, 13 and 14 (under legal framework) should include the NSRs. Regarding entry 21, the revised NSRs meet both: the International Atomic Energy Agency (IAEA) recommendations found in the Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4, corrected) and the international requirements found in the Convention on the Physical Protection of Nuclear Material (IAEA document INFCIRC/274/Rev.1) to which Canada is a party.

In addition, using a risk-based approach, some of the requirements as noted below were put in place at certain nuclear facilities as a result of the amended NSRs: the establishment of on-site armed response; enhanced security screening (reliability/background checks) of employees and contractors; protection against forced vehicle penetration; improved identification checks of personnel accessing nuclear sites; increased search of personnel and vehicles entering and leaving certain nuclear sites; and improved contingency planning, drills and exercises for physical protection programmes.

With respect to physical protection, as noted in Canada's second report (page 11) Canada has been a State party to the Convention on the Physical Protection of Nuclear Material since 1987. In 2005, Canada, along with 87 other States parties, agreed unanimously to an Amendment designed to correct certain deficiencies in the original Convention. Canada has received authority to proceed with implementation and ratification of the Amendment. Canada has already partially implemented the requirements of the Amendment in the form of revised Nuclear Security Regulations adopted pursuant to the Nuclear Safety and Control Act in 2006. Canada will be in a position to ratify the Amendment once additional implementing legislation is passed by Parliament.

Operative paragraph 3 (c) and (d) and related matters from operative paragraphs 6 and 10 — Controls of chemical weapons, biological weapons and nuclear weapons, including related materials

Canada also continues to work with partners to strengthen the international legal framework as it relates to illicit trafficking in weapons of mass destruction, their means of delivery and related materials. In 2008, Canada will continue to work towards ratification and implementation of the 2005 Protocols to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material. Canada is also working with partners in the International Civil Aviation Organization (ICAO) to develop new protocols to address emerging threats to civil aviation, including illicit trafficking related to weapons of mass destruction.

With regard to chemical weapons, Canada's domestic legislation, such as the Transportation of Dangerous Goods Act and the Export and Import Permits Act, outlines restrictions on the transport, trade, transfer, and cross-border movement (including re-export) of chemicals and chemical weapons. The CWCIA addresses issues of licensing to regulate the use and production of scheduled chemicals in Canada and to formally screen the users and producers of these chemicals.

Canada wishes to point out some omissions in the matrix provided with regard to controls of nuclear weapons and related materials. For example, "CANS" should be replaced with "CNSC" in row 11. In rows 13, 15, 17 and 25, the Nuclear Non-proliferation Import and Export Control Regulations should be included. Canada's Nuclear Non-proliferation Import and Export Control Regulations control the international transfer of controlled nuclear substances, controlled nuclear equipment and controlled nuclear information. (This was mentioned in Canada's second report on pages 18 and 19.) Canada's 26 Nuclear Cooperation Agreements covering 43 countries, and their corresponding Administrative Arrangements, which outline the terms of implementation of the provisions of the Nuclear Cooperation

Agreements, should be cited in row 22 ("re-export control"). Nuclear Cooperation Agreements are bilateral non-proliferation agreements that ensure that nuclear trade is carried out in a manner consistent with Canada's nuclear non-proliferation policy. They are legally binding, treaty-level documents. Major nuclear exports are made subject to the Nuclear Cooperation Agreements, and this means, inter alia, that Canada retains retransfer (re-export) control over the item(s) — namely, the importing country is required to request and obtain permission to retransfer (re-export) the item(s). The request for consent is implemented through the Administrative Arrangements. Information on Nuclear Cooperation Agreements was previously provided in Canada's second report on pages 13 and 23.

Operative paragraphs 6, 7 and 8 (c) — Control lists, assistance, information

For information on Canadian assistance to other States pursuant to operative paragraph 7, please refer to section D, "Canadian assistance to other States relevant to resolution 1540 (2004) implementation", of the present report.

Section B: update on Canadian measures relevant to implementation of resolution 1540 (2004) which were not captured in the two earlier reports

Weapons of mass destruction proliferation financing (operative paragraph 2)

Since its previous report to the Committee, Canada has been actively supporting work by the Financial Action Task Force (FATF) on proliferation financing. In May 2007, Canada hosted an FATF working group on terrorist financing and money-laundering intersessional meeting on proliferation financing. At that meeting it was agreed that the FATF would develop guidance: (a) to assist jurisdictions in implementing targeted financial sanctions contained in Security Council resolutions related to the prevention of weapons of mass destruction proliferation (1718 (2006), 1737 (2006), and 1747 (2007)); (b) with regard to the activity-based financial prohibitions contained in operative paragraph 6 of resolution 1737 (2006); and (c) pertaining to broader financial prohibitions, and in particular those prescribed in resolution 1540 (2004). In order to support the development of FATF guidance on broader financial prohibitions such as those required by resolution 1540 (2004), Canada is co-leading (with Denmark) an FATF typology project on proliferation financing. Further to the FATF guidance on the activity-based financial prohibitions found in resolution 1737 (2006), Canada's working group on proliferation finance is also working to develop information and red flag indicators that could be shared with Canadian financial institutions to help them to identify high-risk customers and transactions.

Comprehensive Nuclear-Test-Ban Treaty (operative paragraph 8)

Entry into force of the Comprehensive Nuclear-Test-Ban Treaty remains a priority for Canada in the field of nuclear non-proliferation and disarmament. In September 2006, Canada was one of six co-hosts of a "Friends of the Comprehensive Nuclear-Test-Ban Treaty" ministerial-level meeting in New York on the margins of the United Nations high-level meetings. Canada joined 71 States in signing the joint ministerial Statement supporting entry into force of the Treaty that was issued at the meeting. In October 2006, Canada co-hosted a workshop on

international cooperation on the Treaty for the Greater Caribbean, held in Mexico City. The workshop discussed the security and technological benefits of membership and agreed on recommendations for working to advance ratification and implementation of the Treaty in the region.

Also in October 2006, the radionuclide station operating in Yellowknife, Northwest Territories, which is part of the Treaty's verification system, detected emissions of noble gas that could be reliably traced back to the site of an explosion conducted by the Democratic People's Republic of Korea on 9 October, which helped to confirm that the event was a nuclear-weapon test explosion. Canada has since called for the Comprehensive Nuclear-Test-Ban Treaty Organization's PrepCom to install the noble gas detection equipment that is currently operating in select radionuclide stations (including Yellowknife) as a part of the International Noble Gas Experiment into all radionuclide stations that are a part of the Treaty's verification system.

In September 2007, Canada's Minister for Foreign Affairs wrote to his counterparts in all States that had yet to ratify the Treaty to urge their Governments to do so as soon as possible. In the same month, Canada joined all other ratifiers of the Comprehensive Nuclear-Test-Ban Treaty in support of the Final Declaration of the fifth Article XIV Conference to Facilitate Entry into Force of the Treaty that was held in Vienna. In November 2007, Canadian officials attended a workshop on international cooperation on the Treaty for States in the Caribbean region, held in Nassau, to explain possible funding options that could assist States in the region to complete ratification and implementation of the Treaty.

Promoting dialogue and cooperation — Global Initiative to Combat Nuclear Terrorism (operative paragraph 9)

In the light of the threat posed to Canadian and international security by the prospect of nuclear terrorism, Canada joined the Global Initiative to Combat Nuclear Terrorism (GICNT) as an initial partner nation in July 2006. Through the GICNT, Canada is working in collaboration with other partner nations to enhance international efforts to prevent, interdict and manage the consequences of a nuclear or radiological attack. As part of its contribution to the GICNT programme of activities, in spring 2008 Canada will host a GICNT workshop on the security of radioactive sources. The workshop will focus on the development of systems for the physical protection of high-risk radioactive sources, as well as national systems for accounting and control of such sources. Beyond fostering international cooperation and capacity-building to address the threat of nuclear or radiological terrorism, Canada's participation in the GICNT also complements and reinforces domestic efforts to strengthen security on nuclear and radiological materials and facilities in Canada.

Country-specific measures

Under its Export and Import Permits Act, Canada reviews export applications on a case-by-case basis. The review can include a rigorous consultation process that will closely examine destinations.

Canada has implemented specific measures against Iran and the Democratic People's Republic of Korea in accordance with United Nations Security Council resolutions on non-proliferation.

Under the domestic United Nations Act, Canada may impose economic or trade sanctions against States when such measures have been called for in binding resolutions of the Security Council. Canada has implemented two sets of regulations under this legislation that specifically address non-proliferation in imposing economic measures against the Democratic People's Republic of Korea and Iran. Violations of these regulations are a violation of the United Nations Act with a maximum sentence of 10 years' imprisonment.

Democratic People's Republic of Korea

On 9 November 2006, Canada implemented the Regulations Implementing the United Nations resolution on the Democratic People's Republic of Korea in accordance with Security Council resolution 1718 (2006) of 14 October 2006. The Regulations impose a number of measures to prevent Canadian involvement or assistance in providing materials used for nuclear weapons to the Democratic People's Republic of Korea.

The Regulations prohibit persons in Canada and Canadians outside of Canada from engaging in the export, sale, supply or transport of arms and related material and from contributing resources to the weapons programme of the Democratic People's Republic of Korea. There is also a prohibition against carrying any arms or related material on Canadian vessels and on providing technical assistance to the Democratic People's Republic of Korea on arms or related material.

The Regulations also include an assets freeze on the property of designated persons. Designated persons are those designated by the Security Council Committee established pursuant to resolution 1718 (2006) as being "engaged in or providing support for ... nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at this direction". The Regulations also require Canadian financial institutions to review their transactions to ensure that they are not dealing with the property of a designated person.

Iran

On 22 February 2007, Canada implemented the Regulations Implementing the United Nations resolution on Iran. The Regulations implement Security Council resolution 1737 (2006) of 27 December 2006. The Regulations were further amended in accordance with resolution 1747 (2007) of 24 March 2007.

The Regulations prohibit any person in Canada or any Canadian outside of Canada from engaging in the sale, supply or transfer of nuclear material, equipment and technology or arms and other related material to Iran. The comprehensive list of products is outlined within the Regulations and is based on United Nations information circulars on nuclear materials and products designated by the Security Council. There is also a prohibition against carrying any identified product on Canadian vessels and on providing technical assistance to Iran on the use of designated products.

The Regulations also include an asset freeze on the property of designated persons. Designated persons are those identified by the Security Council or by the 1737 Committee established pursuant to resolution 1737 (2006) as engaged in or

providing support, directly or indirectly, for Iran's proliferation sensitive nuclear activities and the development of nuclear weapons.

Additional information

Canada has submitted reports on its implementation of these resolutions on non-proliferation to both the 1718 Committee and the 1737 Committee.

Full details on Canadian economic sanctions, including the full text of measures imposed against the Democratic People's Republic of Korea and Iran are available at: http://www.dfait-maeci.gc.ca/trade/sanctions-en.asp.

Section C: future measures that Canada intends to take relevant to implementation of resolution 1540 (2004)

Canada continues to enhance its ability to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials, through its active participation in the Proliferation Security Initiative (PSI). Participation in the PSI continues to strengthen Canadian inter-agency coordination on weapons of mass destruction interdiction-related matters, as well as coordination and cooperation with other PSI participating States. In 2008, Canada will develop a national PSI response plan, which will be informed by interdiction lessons and techniques learned through Canada's participation in the PSI operational experts group and exercise programme.

On nuclear weapons specifically, Canada has been advocating for institutional strengthening of the Non-Proliferation Treaty (NPT) for several years. Currently, States parties need to wait until the quinquennial review for collective action on subjects of critical importance to the NPT, although even then — as we saw in 2005 — such subjects may not be adequately addressed. At the 2005 Review Conference, Canada submitted a working paper (NPT.CONF2005.WP39) that calls for a series of institutional reforms beginning with the establishment of a small standing bureau of the NPT. This bureau would convene extraordinary sessions in the event a State party submits a notification of intent to withdraw from the Treaty, or if other situations arise that threaten the integrity or viability of the NPT. A bureau could also represent the NPT membership in the period between review conferences.

The working paper also recommends the convening of annual meetings of the Parties. This would ensure an annual authoritative meeting of the membership and bring the Treaty in line with contemporary practice of other major weapons of mass destruction-related conventions. Annual meetings could also offer the opportunity to follow a fixed agenda rather than having to go through the current NPT agenda approval process. One week meetings could be organized without increasing the overall time envelope allotted for the NPT review cycle. Canada also supports improved annual reporting by States parties on their implementation of the Treaty.

With regard to controls of nuclear weapons and related materials (operative paragraph 3), amendments to the Nuclear Non-proliferation Import and Export Control Regulations were initiated in 2007. Depending upon the duration for completing the appropriate Government review/requirements for amending

regulations, it is hoped that the amended regulations would be in force by 2008-2009.

In terms of biological weapons, the continued viability of the Biological Weapons Convention remains a key element in our international security strategy. Canada has recently added a section on domestic responsibilities for the Convention in our biosafety guidelines. The guidelines are a primary manual for all labs across Canada, and are used as an outreach tool through Canadian International Development Agency (CIDA)-funded projects in Africa and Asia. The manual itself will be republished in late 2008, and will be part of a mandatory biosafety/biosecurity course. Canada's approach to implementing resolution 1540 (2004) as it relates to chemical weapons has been effective to date. Canada endeavours to provide leadership to regional States parties to ensure they meet their obligations under the Chemical Weapons Convention.

Finally, concerning assistance to other States, Canada's Global Partnership Program (GPP) is directly working to bring about the implementation of resolution 1540 (2004). Canada is currently in the process of drafting a chapter for the Best Practices Guide of the Organization for Security and Cooperation in Europe (OSCE) that outlines the methods and mechanisms used by Canada, based on its Global Partnership experiences to date, relating to the physical protection of nuclear and biological materials. (More detailed information about the GPP is found in section D of the present report.)

Section D: Canadian assistance to other States relevant to implementation of resolution 1540 (2004)

The Global Partnership against the Spread of Weapons and Materials of Mass Destruction

Canada has committed up to $1 billion over 10 years to The Global Partnership against the Spread of Weapons and Materials of Mass Destruction, which was launched at the 2002 Group of Eight summit held in Kananaskis. Much like resolution 1540 (2004), it is designed to prevent terrorists and States that harbour them from acquiring chemical, biological, nuclear and radiological weapons and related materials. Though its activities are initially in Russia, Ukraine and other countries of the former Soviet Union, the Global Partnership is considering expanding globally. Since 2002, Canada's Global Partnership has been active in the four priority areas identified by leaders at Kananaskis: destruction of chemical weapons; disposition of fissile materials; dismantlement of nuclear submarines; and redirection of former weapons scientists. Biological non-proliferation was also identified as a serious concern by the Group of Eight and is an important priority for Canada.

Accompanying the Partnership agreement at Kananaskis was a set of six principles for preventing the proliferation of weapons of mass destruction. The principles which were subsequently endorsed by the General Assembly in resolution 57/68 include: strengthening the international non-proliferation regime through its treaties and other instruments; securing chemical, biological, radiological and nuclear materials in use, storage and transport; securing facilities against sabotage; strengthening border controls and law enforcement efforts to deter, detect and interdict in cases of illicit trafficking; strengthening export and trans-shipment

controls; and an overall reduction in the quantities of weapons of mass destruction-related materials in existence.

Canada's Global Partnership Program

Destruction of chemical weapons

Canada has contributed over $100 million towards the chemical weapons destruction facility at Shchuch'ye in Western Siberia where 1.9 million chemical weapons will be destroyed in a safe and environmentally sound manner. This will help to enable Russia to fulfil its obligations under the Chemical Weapons Convention to destroy its declared stockpile of 40,000 tons at seven storage facilities. Canada is working in partnership with the United Kingdom to implement these projects. While completing work at Shchuch'ye, Canada has also begun preparatory work to provide assistance at the Kizner chemical weapons destruction facility which will destroy 2 million nerve agent-filled munitions similar to those stored at Shchuch'ye. It is anticipated that Canada will provide the key destruction process equipment for the chemical weapons destruction facility to be constructed at Kizner.

Dismantlement of nuclear submarines

Canada is spending well over $100 million to dismantle and de-fuel 12 nuclear-powered submarines in North Russia: 8 have been fully dismantled and 4 are in progress. A total of $32 million has also been contributed to the Northern Dimension Environmental Partnership (NDEP) managed by the European Bank for Reconstruction and Development to address security, safety and infrastructure concerns associated with the large quantities of spent nuclear fuel and radioactive wastes in North West Russia. Canada is now engaged in planning for nuclear submarine dismantlement in the Far East of Russia 2008-2012.

Nuclear and radiological security

Canada's Global Partnership Program has established a robust programme of activities to prevent terrorists and countries that harbour them from acquiring and using nuclear and other radiological materials. As part of its commitment to the Global Partnership, Canada is spending over $200 million on international nuclear and radiological security projects. Canada's holistic, multifaceted approach focuses on four main areas of activity in countries of the former Soviet Union: (a) strengthening the physical security of weapons-grade nuclear materials and facilities; (b) eliminating the use of plutonium through the shut down of the last plutonium-producing reactor in Russia and supporting international efforts to dispose of 34 tons of weapons-grade plutonium; (c) removing and securing highly radioactive sources to improve radiological security; and (d) improving border security to prevent the illicit trafficking of nuclear and other radiological materials.

In close collaboration with our Russian partners, Canada's GPP has developed a robust programme to help upgrade the physical security of Russian nuclear facilities. Sustainability of the upgrades is a key concern, and measures are embedded in every Canadian project. Through the International Atomic Energy Agency (IAEA), Canada's GPP is also funding the development of a nuclear security training centre at Obninsk in Russia.

In addition to securing nuclear materials, it is also critical that fissile material stockpiles be reduced. Canada's $9 million contribution from GPP to the United States-led project to shut down the last Russian plutonium production reactor is being implemented successfully.

Canada's GPP has also completed two key projects with Russia aimed at the recovery, securing, replacement and decommissioning of highly radioactive sources that could be used in a radiological dispersal device or "dirty bomb". Canada's GPP is also working with the United States Department of Energy Global Threat Reduction Initiative to deal with these dangerous sources.

In 2006, Canada's GPP concluded projects funded with its 2004 $4 million contribution to the IAEA Nuclear Security Fund and has made a second $4 million contribution. With Canada's GPP contribution, the IAEA implements vital nuclear and radiological security projects in countries of the former Soviet Union, including, for example, the securing of highly radioactive sources.

Canada's GPP has funded security upgrades to land borders in the former Soviet Union through the IAEA Nuclear Security Fund. Canada is also working through the United States Department of Energy's Second Line of Defense programme to install security upgrades at Ukrainian air and sea ports (pursuant to operative paragraph 10, on preventing illicit trafficking).

Redirection of former weapons scientists

Canada is working with Russia and other countries of the former Soviet Union via the Moscow-based International Science and Technology Center and the Kyiv-based Science and Technology Center Ukraine in order to provide former weapons scientists with peaceful employment opportunities. To date, Canada has contributed over $28 million to over 120 individual research projects involving over 2,400 former weapons scientists. Canada has also contributed over $12 million to supplementary activities geared towards assisting former weapons scientists and their institutes achieve sustainability.

Biological non-proliferation

Canada's Global Partnership Biological Non-Proliferation Programme is supporting a range of biological non-proliferation activities in countries of the former Soviet Union. Particular emphasis is being placed on improving biological security and biological safety through (a) development and implementation of national biosecurity/biosafety standards and related legislation; (b) assistance in establishing national and regional biosafety associations and integrating professionals within existing international biosafety associations; (c) biosecurity and biosafety training; and (d) upgrading biological facilities, and constructing new facilities to address serious proliferation concerns. The success of the Programme is a result of leveraging varied expertise from a number of Canadian Departments and Agencies.

Canada also is cooperating closely with other Global Partnership countries, the World Health Organization, the World Bank and other international organizations to maximize effectiveness. In addition to biosecurity and biosafety, Canada's GPP supports a broad range of projects and initiatives that aim to strengthen multilateral biological non-proliferation initiatives, mechanisms and forums.

The Counter-Terrorism Capacity-building Program

Alongside these efforts, Canada's Counter-Terrorism Capacity-building Program assists other States under Security Council resolution 1456 (2003) and in direct support to resolution 1540 (2004). The Program supports training courses, workshops, equipment, and technical and legal assistance to States to enable them to prevent and respond to terrorist activity in a manner consistent with international counter-terrorism and human rights norms, standards and obligations.

More than 20 capacity-building projects have increased the ability of countries in Asia, South America, the Caribbean, Central America, Africa and the Middle East to respond to chemical, biological, radiological, nuclear and explosives issues. For example, INTERPOL developed a Bio Incident Response Guide that is used by States as a training tool. The guide was translated into four languages (Arabic, English, French and Spanish) and widely distributed. The International Association of Bomb Technicians and Investigators organized a conference for explosive ordnance disposal technicians to provide advanced level training to police and military technicians in order to augment their capacity to obviate and mitigate the impacts of terrorist attacks. In another case, trace detection equipment and training for narcotics and explosives were provided to increase security during the Cricket World Cup 2007 in host countries in the Caribbean. These projects, and many more, have significantly improved the ability of States to detect chemical, biological, radiological, nuclear and explosives attacks, proactively protect their citizens, and contribute to countering terrorism.

Bilateral and regional workshops

Recognizing that many States continue to require assistance in implementing the provisions of resolution 1540 (2004), Canada is actively engaged in outreach and capacity-building efforts on a bilateral basis, as well as in collaboration with the 1540 Committee, regional organizations and non-governmental organizations.

Canada has actively promoted implementation of resolution 1540 (2004) through its participation in OSCE. On 8 November 2006, under Canadian chairmanship, the OSCE Forum for Security Cooperation held a successful one-day workshop on implementation of the resolution. That workshop focused on the importance of developing national strategies and workplans to advance implementation of the resolution's requirements. Subsequent to that workshop, the OSCE adopted the Forum for Security Cooperation and Ministerial Council decisions, in which the organization undertook to continue to consider measures to promote implementation of the resolution, including through the sharing of best practices. Canada is currently in the process of preparing a chapter on physical security of weapons of mass destruction-related materials as a tangible contribution to the OSCE Best Practices Guide on implementation of the resolution.

Along with Singapore and the United States of America, Canada co-funded (through its Counter-Terrorism Capacity-Building Fund) and co-chaired an Association of Southeast Asian Nations (ASEAN) Regional Forum workshop on implementation of the resolution, which was held in San Francisco, United States of America, in February 2007. That workshop served to heighten awareness among ASEAN Regional Forum members of their responsibilities to implement the resolution and contributed to capacity-building through the sharing of experiences and best practices.

Canada, along with the European Union and Norway, also co-funded, again via its Counter-Terrorism Capacity-Building Fund, a workshop on implementation of the resolution in the Caribbean region organized by the United Nations Office for Disarmament Affairs, held in Kingston on 29 and 30 May 2007. The workshop was successful in raising awareness of the resolution's requirements among regional participants and in enhancing donor-recipient dialogue.

On 16 and 17 October 2007, Canada participated in a workshop on implementation of resolution 1540 (2004) in the Kyrgyz Republic held in Bishkek and organized by the Monterey Institute of International Studies Centre for Non-Proliferation Studies. Canada provided information on its comprehensive biological non-proliferation strategy for cooperative assistance in the Kyrgyz Republic being implemented under Canada's Global Partnership Program.

Canada is currently working with the Henry L. Stimson Centre, a Washington, D. C.-based think tank, and the Organization of American States (OAS), to organize a workshop which will be held in the Dominican Republic in early 2008 on implementation of the resolution in the Caribbean. This workshop, which will follow-up on the Canadian co-funded United Nations Office for Disarmament Affairs workshop held in Jamaica in May 2007, will focus on the development of specific and actionable 1540 resolution assistance requests, which address non-proliferation challenges and address the recipient States' broader socio-economic development priorities. Assistance requests developed during the workshop will be presented to the 1540 Committee for onward distribution to potential donors.

Enclosure

Technical rectification to the matrix provided by the Committee established pursuant to resolution 1540 (2004)

The following points serve to address omissions in Canada's matrix provided by the Committee established pursuant to resolution 1540 (2004). Canada wishes to suggest the following detailed changes to the matrix provided to the Committee and invites the Committee to make the updated matrix available to the public on the Committee's website.

Page 2, item 13: There is a reference to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation but none of the other United Nations anti-terrorism instruments to which Canada is a party are mentioned (e.g., the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings). Ten of these instruments are mentioned in the definition of "terrorist activity" in section 83.01 of Canada's Criminal Code. Canada is a party to all of the United Nations anti-terrorism instruments, and is of the opinion that these instruments should be mentioned in the next iteration of Canada's matrix.

Page 4, item 8: (use of biological weapons) There is a reference to a number of Criminal Code provisions: subsection 86(1), which is contained in the part entitled "Firearms and Other Weapons" and subsections 431.2(1) and (2) contained in the part entitled "Wilful and forbidden Acts (Property)". Section 431.2 criminalizes the conduct proscribed by the International Convention for the Suppression of Terrorist Bombings. Inasmuch as there is no reference to "Firearms and Other Weapons", Canada is of the view that the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix for the sake of consistency within item 8 as well as the remainder of the matrix where other Code references are not accompanied by a reference to the relevant part title.

Page 4, item 14: ("other") There is a reference to a "subsection 7(3.72)" without mentioning that this provision is in the Criminal Code. Canada suggests language indicating that this provision is found in the Criminal Code. The reference to "Wilful and forbidden Acts (Property)" should be deleted both for the sake of consistency (see page 4, item 8 above) and because it is incorrect. Subsection 7(3.72) is actually found in the "General Part" of the Criminal Code.

Page 6, item 8: (use of chemical weapons) As noted above with regard to page 4, item 8: the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix.

Page 6, item 14: ("other") As noted above regarding the deletion of the expression "Wilful and forbidden Acts (Property)" with regard to page 4, item 14 The words "Extraterritorial jurisdiction" accurately describe the content of subsection 7(3.72) of the Criminal Code but this raises the issue of consistency; either "Extraterritorial jurisdiction" should be added to the reference to subsection 7(3.72) of the Criminal Code in page 4, item 14 or it should be deleted here.

Page 7, item 8: (use of nuclear weapons) As noted above with regard to page 4, item 8 and page 6, item 8: the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix.

Page 8, item 14: ("other") As noted above regarding the deletion of the expression "Wilful and forbidden Acts (Property)" with regard to page 4, item 14 and page 6, item 14 above: the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix.

Page 9, items 7, 8 and 9: (measures to secure production, use, storage, transport) There is a reference to a number of Criminal Code provisions: section 334 (theft), section 341 (fraudulent concealment), section 344 (robbery) and 346 (extortion). This list of offences is not exhaustive, for example, section 348(1) (break and enter and theft) could have been included. Canada requests the addition of "Inter alia" to be included in the matrix to reflect these additional Criminal Code provisions. This would also apply to page 11, items 6, 7, 8 and 9 as well as page 13, items 6, 7, 8 and 9.

Page 13, items 6, 7, 8 and 9: In addition to the previous comment, Canada suggests deleting reference to section 487 of the Criminal Code which is a provision that sets out the procedure to obtain and execute a search warrant.

Page 21, items 22 and 26: (Extraterritorial applicability) Subsection 7(3.72) of the Criminal Code does not grant extraterritorial application to matters of import or export control. This provision only grants Canadian courts extraterritorial jurisdiction over conduct proscribed by the International Convention for the Suppression of Terrorist Bombings (i.e., the offences set out in s.431.2). Canada suggests removal of this reference in the matrix.

Page 24, items 22 and 26: (Extraterritorial applicability) Subsection 7(3.72) of the Criminal Code does not grant extraterritorial application to matters of import or export control. This provision only grants Canadian courts extraterritorial jurisdiction over conduct proscribed by the International Convention for the Suppression of Terrorist Bombings (i.e., the offences set out in s.431.2). Canada suggests removal of this reference in the matrix.